REMARKS

In the Non-Final Office Action dated October 19, 2005, claims 1-10 are pending. Claims 1 and 10 are independent claims from which all other claims depend therefrom.

The Office Action states that claims 1-10 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant takes note that the arguments presented in the Office Action with respect to the 35 U.S.C. 112 rejection are the only newly presented arguments for the continued rejection of claims 1-10.

The Office Action states that the Applicant fails to elaborate on what he means by first and second flexible walls 42 and 44 and how much they work in relation to biological fluid 40, that is, the sensor of intruder movements and actions. Applicant, respectfully, traverses. Applicant submits that, in paragraph 3 on page 5 of the present application, it is disclosed that the first flexible wall 42 provides minimum protection and the second flexible wall 44 provides additional protection. The minimum protection may be referred to as a minimum level or layer of protection and the additional protection may be referred to as an additional level or layer of protection, which can be inferred from Figure 3. In addition, Figure 3 and paragraph 1 on page 6 also show and state, respectively, that the first flexible wall 42 contains the virtual biological fluid 40, which contains the security information from the security plane, the intrusion detection technique information, and security information from the primary gateway 14. Paragraph 2 on page 5 of the present application states that the virtual biological fluid 40 is formed from the security information in the security plane 20. The second flexible wall 44 provides access to a portion of the information contained within the first flexible wall 42 and may also provide access to the cells 46, as shown in Figure 3. Note that the embodiment of Figure 3

was intended as an illustrative example, of course, any number of flexible walls may be utilized.

In using a sensor that performs as a virtual biological fluid, which gathers information from all layers of communication and has security walls that are flexible, the claimed invention is better suited to adjust to different intruders. The sensor is suited and adjustable to handle intruders having various levels of threat and are at or are affecting various locations within a wireless communication system.

The Office Action also states that Applicant fails to disclose how satellite 12 uses the information from all layers of communications to form a security pannel (Applicant assumes that the Examiner meant plane not pannel). Applicant submits that at least some of the novelty of the claimed invention is the use of communication information from each of the communication layers to form a security plane. In the broadest sense, it is irrelevant how the information forms the security plane. The fact that the security plane is formed using the stated information as opposed to using information from a single layer or from no layer at all is novel. This use allows the present invention to provide the advantages stated herein, as stated in the present application, and as stated throughout the prosecution history. There is an endless number of ways that one skilled in the art could envision using the information from each layer to form the security plane. Applicant does not intend to limit the present application to a specific technique or method of formation. Thus, a detailed description of how the material from each communication layer is used to form the security plane is not required.

In addition, the Applicant is not claiming how the information from each of the communication layers is used or combined to form the security plane. Applicant is claiming that the information from each of the communication

layers is used to form a security plane. As claimed, this is not disclosed in any of the relied upon references alone or in combination.

Furthermore, note that the Applicant does show in Figure 2 the novel coupling between the communication layers and the control plane. This coupling is not taught or suggested by the relied upon art.

Referring to MPEP 2164.01 the test for enablement is whether the specification allows one skilled in the art to practice the invention without undue or unreasonable experimentation. See *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916). The present specification provides at least one example, disclosing the elements or components to form the virtual biological fluid system and the tasks to perform the method claimed. A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991). Applicant submits that the claimed invention may be used in light of the specification without experimentation. Applicant submits that one skilled in the art upon review of the application would clearly be able to immediately create the system and perform the tasks of the method claimed without undue or unreasonable experimentation. The ability to utilize information for security protection is known in the art. There are many known techniques for using communication information for security protection. One skilled in the art would readily be able to understand the novel arrangement and coupling of the elements claimed from the description provided in the present application and from that perform the associated tasks using known information handling techniques.

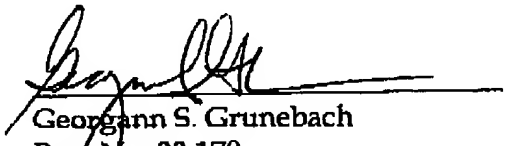
Regardless of whether each limitation is described in the specification, Applicant notes that the fact that a limitation may lack descriptive support in a disclosure as originally filed does not necessarily mean that the limitation is also not enabled. See MPEP 2164 and *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563, 19 USPQ 2d 1111, 1116-17 (Fed. Cir. 1991). Furthermore, Applicant submits that

the specification teaches the manner and process of using the claimed invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented and thus must be taken as being in compliance with the enablement requirement. Thus, the present specification is enabling with respect to claims 1-10 and therefore the 35 U.S.C. 112 rejection has been overcome.

Claims 1 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Preston et al. (U.S. Publication No. 2002/0032853), in view of Willis et al. (U.S. Patent No. 6,385,647). Claims 2-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Preston and Willis in view of Greene (U.S. Patent No. 6,578,145). These rejections were previously submitted and overcome. Applicant has provided arguments for the allowability of claims 1-10 in the Appeal brief of May 20, 2005 and in the Response to the Final Office Action of January 27, 2005, which overcome the stated rejections. These arguments remain valid.

In light of the remarks, Applicant submits that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,



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